

PUBLIC BUILDINGS BILL

JANUARY 27, 1925.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. ELLIOTT, from the Committee on Public Buildings and Grounds, submitted the following

REPORT

[To accompany H. R. 11791]

The Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 11791) to provide for the construction of certain public buildings, and for other purposes, having duly considered the same, hereby make report of it to the House with amendments and with the recommendation that the bill as amended do pass.

Page 2, line 9, after the word "Department," strike out the period and insert in lieu thereof a colon, followed by this language:

Provided, That in carrying out the provisions of this act in so far as it relates to buildings to be used in whole or in part for post-office purposes, the Secretary of the Treasury and the Postmaster General shall act jointly in the selection of towns or cities in which buildings are to be constructed, the selection of sites therein, determining the dimensions of the building, and the arrangement of space therein.

Page 2, line 10, after the word "on," strike out "such work" and insert in lieu thereof "the construction work herein authorized."

Page 2, at the end of line 11, add the following:

In all cases where the construction of buildings in the District of Columbia, under the provisions of this act, requires the utilization, in the opinion of the Secretary of the Treasury, of contiguous squares as sites thereof, authority is hereby given for closing and vacating such portions of streets as lie between such squares and such alleys as intersect such squares, and the portions of such streets and alleys so closed and vacated shall thereupon become parts of such sites.

Page 2, line 17, after the word "act," strike out the period and insert in lieu thereof a comma, and add the following: "but that all plans shall as far as practicable provide for the construction of utility rather than monumental buildings."

Page 3, line 1, after the word "Commerce," strike out the comma and insert in lieu thereof the word "and."

Page 3, line 5, after the word "in," where it appears the first time, insert the words "or under."

Page 3, strike out all of section 3 and insert in lieu thereof the following:

SEC. 3. If, in the opinion of the Secretary of the Treasury, any limit of cost heretofore fixed by law for the acquisition of a site for, or for the construction, enlarging, remodeling, or extension of, a building, or both, is inadequate, he may, if such site or building is included in the estimates transmitted by him to the Bureau of the Budget under this act, disregard such limit of cost, and appropriations to the extent of such estimates are (within the limits of the appropriation authorized by section 5) hereby authorized without regard to such limit of cost.

Page 3, line 17, after the word "submit," strike out "an," and in line 18 the words "annual estimate," and insert in lieu thereof "annually and from time to time as may be required estimates."

Page 3, line 22, after the word "which," strike out "the estimate is" and insert in lieu thereof "said estimates are."

The last general public buildings bill passed by Congress was approved on March 4, 1913, and carried authorizations which in the aggregate amounted to approximately \$40,000,000. It has now been nearly 12 years since that bill became a law and the growth of the country in population, in wealth, in business, and in manufacturing and industrial enterprises has been so great as to increase tremendously the demand for new, enlarged and better facilities for the economic and efficient transaction of the public business. Every branch of Federal activity has kept pace with the progress of the age, and to-day in many of the cities of the country the public business is being conducted in such overcrowded, ill ventilated, and insanitary buildings as not only to reduce materially the efficiency of the employees but to seriously jeopardize their health. In many of the cities postal employees are compelled to work under artificial light both night and day. They are located in many instances in damp, insanitary basement rooms and are so crowded that in numerous buildings the space for each employee averages from 20 to 70 square feet. The best authorities agree that there should be as a minimum 100 square feet to each employee in order to secure the most efficient service, and undoubtedly human beings should not be compelled to work in buildings where the space allotted them is less than 10 by 10 feet, or 100 square feet.

The earnings of the Post Office Department have doubled in the last 10 years. This increased postal business demands and must have space in which it may be efficiently and economically carried on. During the holiday season for the last few years a number of cities have handled heavy parcel-post business on the lawn or sidewalk under the protection of guards, but without protection against bad weather. This increased volume of postal business has forced the use of basements and subbasements and has brought about a congested condition in work rooms in some cities that is a disgrace. Mezzanine floors have been placed in many buildings in efforts to furnish more room for employees, but they have in most cases proven unsatisfactory, the chief result being to force employees to work in hot, stuffy quarters under artificial light.

The President, in his message to Congress at the beginning of this session, recommended an appropriation to provide necessary buildings for the Government service in the National Capital. Of the total

amount carried in this bill, \$50,000,000 probably will be expended to relieve the situation in Washington, the balance to be allocated throughout the different States and Territories where needed. With regard to the situation in Washington, attention is called to the fact that the Internal Revenue Bureau is now occupying space in 10 different buildings, the General Accounting Office is occupying space in 21 buildings, and the Department of Agriculture is scattered around in 45 different buildings. In the hearings which were held before your committee on this measure an official of the Treasury Department furnished the information that the records of income taxes are kept in the building known as Annex No. 2, on Fifteenth Street, which is one of the temporary structures erected for emergency use during the war. He stated that it is a two-story, frame building with stucco facing and is a veritable firetrap; and that if this building were to burn with the income-tax records that are on file there the Government would lose hundreds of millions of dollars, or several times the amount carried by this bill, and that likewise millions of dollars would also be lost to the taxpayers of this country. In addition, there are other bureaus and departments in Washington where the conditions are practically as serious as the ones mentioned, which would be taken care of under this bill. The situation with regard to the great need for a national archives building is well known to Congress and it is not deemed necessary to dwell on this subject, other than to say that too great stress can not be laid upon the necessity for providing proper protection for the Government records, some of which are invaluable and priceless and could not be replaced.

At the present time there are pending in your committee measures for 870 public building projects, authorizing a total appropriation of \$226,260,360.59. Until 1913 it was the custom of Congress to pass an omnibus public buildings bill at least every two years and sometimes more often; but, as stated in the beginning of this report, no general public buildings bill has been passed for approximately 12 years. As these biennial public buildings bills in normal times carried from thirty to forty millions of dollars, it can be readily seen that the amount carried in this bill is a very modest one. While it will not entirely relieve the situation with regard to proper facilities for housing the Government's activities throughout the United States, it is a good beginning in the right direction and can be continued at the proper time.

To-day the Treasury Department is expending annually for the rental of quarters for different branches of the Government service \$1,135,000 in the District of Columbia and \$23,000,000 throughout the balance of the country. The total amount of rental paid by the Government for property rented by the Post Office Department for postal uses is more than \$12,000,000 per annum. It is true that part of the latter amount is expended in a number of small towns or communities where a public building is not needed, but the passage of this measure would reduce this expenditure to a great extent. It has been necessary in certain instances, apparently on account of the postponement of public building legislation, for the Post Office Department to procure requisite space by making long-term leases for buildings constructed by private owners for governmental use. The result of this method of procedure is to deprive these cities of suitable Government-owned buildings, and at the end of the lease the

Government has nothing to show for its rental expenditure except receipted vouchers. This to say the least is unsound business on the part of the Government, which as a matter of economy should own its own buildings.

This bill is not inconsistent with the financial program of the President, and has the approval of the Secretary of the Treasury, the Director of the Bureau of the Budget, and the Postmaster General. In this connection, the following is quoted from a letter, dated December 31, 1924, from the Secretary of the Treasury to the chairman of the Committee on Public Buildings and Grounds, with regard to the bill, H. R. 10406, which in general terms is the same as H. R. 11791:

The long period during which the normal rate of construction of Federal buildings has been suspended is responsible for conditions which call for attention. Resumption of building operations must be begun gradually. The department feels that legislation along lines suggested by this bill would afford an opportunity to make reasonable and satisfactory progress in providing additional buildings and enlarging existing Federal buildings to meet the needs of the Government service.

I am authorized to state that the inclosed bill is not inconsistent with the financial program of the President.

VIEWS OF MR. BUSBY

I regret that I can not concur in the favorable report authorized on this bill by the committee.

For almost 12 years the country has had no general building bill enacted, the date of the last omnibus building bill being March 4, 1913. The pressing need for the construction of Federal buildings is felt in every department of the Government. Especially is this true with regard to post-office buildings from one end of the country to the other. During the past 10 years, and since the last building program became a law, the parcel-post system has been inaugurated, the United States mails have increased in weight almost 600 per cent; the volume of mail from the standpoint of space displacement has increased even greater than that, and still the Post Office Department is forced to get along with the buildings it had 10 years ago or rent, at an exorbitant rental in most instances, additional buildings in which to house and handle the mails.

There is also a pressing need for additional buildings in the District of Columbia to house and furnish working quarters for the various departments of the Government.

There can be no sort of contention that this Government ought to delay longer launching into a reasonable program of constructing buildings in which to house and operate its various branches. This being true, it makes it all the more regretful to me that I am unable to concur in the approval of this bill which has been reported favorably by the majority of the committee.

There are a number of features about this bill that seem objectionable to me, and I will attempt later to carefully point out some of the most striking objections, but at the present time I will content myself by saying that this bill proposes to change practically all existing law with regard to public buildings which come under the supervision of the Treasury Department.

The work of establishing public buildings, especially post-office buildings, is a legislative function. Clause 7 of section 8 of Article I of the Constitution provides that "The Congress shall have power to establish post offices and post roads," and incident to this power Congress has the power to establish post offices, including the authority to obtain sites therefor even by condemnation proceedings. (*Kohl v. United States*, 91 U. S. 367.)

Responding to this sense of responsibility, Congress has always in every building bill specifically provided by legislation for the places where public buildings were to be constructed and the maximum amount which could be expended in constructing the proposed building at each place designated. The omnibus building bill approved March 4, 1913, provided in the first clause:

That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the acquisition of land for sites or the enlargement thereof, and the erection, enlargement, extension, remodeling, or repair of public buildings in the several cities hereinafter enumerated, the limit of cost heretofore fixed by Congress therefor be, and the same is hereby, increased, respectively, as follows; and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of each of said buildings within its respective limit of cost, including site.

Following this authority are the numerous items describing the places where the buildings are to be constructed and the maximum cost of each.

Sections 33, 34, 35, and 36 of the act of March 4, 1913, which come at the close of the bill, place upon the Secretary of the Treasury certain specific requirements which must be met in each instance where there is a building to be constructed under this law.

Section 33 provides:

That the Secretary of the Treasury shall require all owners or agents of sites in each city mentioned in this act, where sites or additions to sites are to be purchased, to submit offers of sale in writing. And in case a site or addition to a site acquired under the provisions of this act contains a building or buildings, the Secretary of the Treasury is hereby authorized, in his discretion, to rent until their removal becomes necessary such of said buildings as may be purchased by the Government, etc. * * *: *Provided*, That each site selected under the provisions of this act shall be bounded upon at least two sides by streets, unless otherwise specifically provided.

Section 34 provides, among other things:

That proposals for the sale of land suitable for all sites, or additions to sites, provided for in this act, respectively, shall be invited by public advertisement in one of the newspapers of largest circulation of said cities, respectively, for at least 20 days prior to the date specified in said advertisement for the opening of said proposals.

Also—

The Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

Section 35 provides:

That all buildings authorized to be constructed, enlarged, or extended under the provisions of this act shall, unless otherwise provided herein, be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

Section 36 provides:

That a commission composed of the Secretary of the Treasury, the Postmaster General, the Attorney General, two members of the Committee on Public Buildings and Grounds of the Senate to be appointed by the President of the Senate, and two members of the Committee on Public Buildings and Grounds of the House of Representatives to be appointed by the Speaker of the House shall, with the aid of the Supervising Architect of the Treasury, present to Congress a connected scheme, involving annual appropriations for the construction and completion of public buildings heretofore authorized within a reasonable time, and shall frame a standard or standards by which the size and cost of public buildings shall, as far as practicable, be determined, and shall report as to the adaptability in size, accommodations, and cost of buildings hitherto authorized to the requirements of the communities in which they are to be located, and also whether the existing appropriations should be increased or diminished to meet such requirements, and that the sum of \$5,000 is hereby appropriated for the expenses of such inquiry.

I have quoted extensively from this statute because it shows with what care, precision, and thoroughness Congress defined its intentions as to what was to be done under the law, the manner in which it was to be done, and the amount of money which was to be expended in each instance. I find from an examination of other building bills that all possible care was exercised by Congress in making the authorization just as it was in the above-mentioned instance. I refer you to act of June 6, 1902 (32 Stat. 310), act of March 3, 1903 (32 Stat. 1203), act of June 30, 1906 (34 Stat. 772), act of March 2, 1907 (34 Stat. 1236), act of May 30, 1908 (35 Stat.

520), and act of June 25, 1910. Each of these several authorizations of public buildings was very specific as to the places where buildings were to be constructed and the amount to be expended in each instance.

Each of these several acts of Congress above mentioned was in strict compliance with a plan of general law which had been built up through long years of legislation governing the construction of public buildings. Act of July 15, 1870 (c. 292, R. S. 3734), provides that—

Hereafter no money shall be paid nor contracts made for payment for any site for a public building in excess of the amount specifically appropriated therefor; and no money shall be expended upon any public building until after sketch plans showing the tentative design and arrangement of such building, together with outline description and detailed estimates of the cost thereof shall have been made by the Supervising Architect of the Treasury Department (except when otherwise authorized by law) and said sketch plans and estimates shall have been approved by the Secretary of the Treasury and the head of each executive department who will have officials located in such building; but such approval shall not prevent subsequent changes in the design, arrangement, materials, or methods of construction or cost which may be found necessary or advantageous: *Provided*, That no such changes shall be made involving an expense in excess of the limit of cost fixed or extended by Congress, and all appropriations made for the construction of such building shall be expended within the limit of cost so fixed or extended.

If the bill H. R. 11791, which is reported favorably, becomes the law, this section of the Revised Statutes will be very much emasculated in that it will not be within the sole province of the Supervising Architect to pass upon the plans for post-office buildings, nor will he be required to keep within any specific appropriation.

Act of February 27, 1877 (R. S. 3663), provides that—

Whenever any estimate submitted to Congress by the head of a department asks an appropriation for any new specific expenditure, such as the erection of a public building or the construction of any public work requiring a plan before the building or work can be properly completed, such estimate shall be accompanied by full plans and detailed estimates of the cost of the whole work.

It might be contended that the authorization provided for in this bill would not interfere with this statute, but as a legislative proposition it would certainly take the matter out of the hands of Congress.

Revised Statutes 3733 provides that—

No contract shall be entered into for the erection, repair, or furnishing of any public building or for any public improvement which shall bind the Government to pay a larger sum of money than the amount in the Treasury appropriated for the specific purpose.

In the bill H. R. 11791 no provision is made whereby any particular building is to come within any definite cost; consequently, if it should become the law, this statute would be nullified.

Many other instances might be pointed out where the existing law and the general plan under which public buildings were constructed would be seriously affected by the broad blanket provisions in this bill, H. R. 11791. A representative from the Post Office Department stated during the hearings on this bill that "This bill is entirely different from any bill heretofore enacted in that it does not leave the selection of sites for buildings to the Congress."

I now call particular attention to the provisions of this bill. Section 1 relieves Congress of the legislative duty of determining the sites where buildings are to be placed, and takes away any limit of cost, and leaves the determination of these to the unhampered dis-

creation of branches of the executive department of the Government. This bill also provides:

That in carrying out the provisions of this act, in so far as it relates to buildings to be used in whole or in part for post office purposes, the Secretary of the Treasury and the Postmaster General shall act jointly in the selection of towns or cities in which buildings are to be constructed, the selection of sites therein, determining the dimensions of the buildings, and the arrangement of space therein.

This makes it necessary for the head of the Treasury Department and the head of the Post Office Department to agree on all these details mentioned, and in the event of a disagreement between them a deadlock would result and needed buildings would be held up.

Another provision of section 1 is:

The Secretary of the Treasury is authorized to carry on such work by contract, or otherwise, as he deems most advantageous to the United States.

This section wipes out all existing law, in so far as it conflicts with the broad and plenary authority granted to the Secretary of the Treasury. There is no limit on him as to time, place, plans, or cost of buildings, to be erected by him. There is no provision where he shall spend the \$150,000,000 authorized in this bill. It might all be spent in the District of Columbia, for there is no limit in this bill otherwise. We do know that the President, to whose department of Government we are proposing in this bill to turn over the building program, has favored spending \$50,000,000 for Federal buildings in the District of Columbia, and we know further that he has opposed a general building bill, and that he has never favored or advocated building a single post-office building anywhere else but in the District. There is no guaranty, in fact no indication that each State will receive a part of the buildings for which money is authorized herein. Although all the country is in need of post-office buildings, and all the country will bear the expenses of carrying out the program provided in this bill if it becomes a law, yet it is generally considered and admitted that the \$100,000,000 which may be spent outside of the District of Columbia will go to the larger cities, leaving the more sparsely settled sections of the country to get along as best they can with what they have. To sum up the provisions of this bill in a few words, it authorizes an appropriation of \$150,000,000 without placing any limit as to how it is to be spent, except it is to be spent for public buildings of certain classes, and turns this authority over to the executive department of the Government, and it is to have a free hand, unhampered by any burdensome directions as to when this money is to be spent except that during the first six years not more than \$25,000,000 may be spent in any one year, this provision extending also after the expiration of six years. The executive department is also unhampered by limitations as to places, where it shall erect buildings, or amounts which it shall expend on any building, but it is left to fully exercise its "superior" judgment free from anything which Congress might say.

For the reasons herein stated, and for many other reasons which could be urged for the best interest of the country, I submit that bill H. R. 11791 should not become a law in its present form.

Respectfully submitted.

JEFF BUSBY,
Member of Committee on Public Buildings and Grounds.